

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SHEILA SCHALL

Plaintiff

v.

KM GROUP, LLC

Defendant

CIVIL ACTION NO. 1:10CV250-LMB-IDD

FIRST AMENDED ANSWER

COMES NOW Defendant, KM Group, LLC, by counsel, and for their Answer to the Plaintiff's Amended Complaint, states as follows:

1. Paragraphs 1, 2, and 4 are admitted.
2. Paragraph 3 is denied with respect to Ms. Schall filing a charge of discrimination with the Fairfax Human Rights Commission. The remainder of the Paragraph's allegations are admitted.
3. Paragraph 5 is admitted as to Plaintiff's residency. Paragraph 5 is denied as to the allegation of disability status of Plaintiff.
4. Paragraph 6 is admitted.
5. Paragraph 7 is admitted as to Plaintiff's employment with Defendant. Paragraph 7 is denied as to the allegations of performance of Plaintiff, as stated, and strict proof is demanded.
6. Defendant is without sufficient knowledge to admit or deny the facts as stated in Paragraph 8 of the Amended Complaint. To the extent that a response is required, the

allegations are denied, and strict proof is demanded.

7. Paragraph 9 is denied as to the physical limitations of Plaintiff, and admitted as to the adjustment of working hours and permission to work from home.
8. Paragraph 10 is denied, and strict proof is demanded.
9. Paragraph 11 is admitted.
10. Paragraph 12 is denied, as stated, and strict proof is demanded.
11. Paragraph 13 is denied, as stated, and strict proof is demanded.
12. Paragraph 14 is denied, and strict proof is demanded.
13. Paragraph 15 is admitted as to the note on Plaintiff's transfer paperwork. The remaining allegations are denied, as stated. Defendant did not force any change of status on Plaintiff. Plaintiff voluntarily accepted the position.
14. Paragraph 16 is admitted that the Plaintiff began work in April 2007 as a Marketing Associate, a position created for her in light of her concerns regarding her inability to meet a bona fide occupational qualification of the Marketing Director position. The remaining allegations of Paragraph 16 are denied, and strict proof is demanded.
15. As to the allegations in Paragraph 17, the Defendant is without sufficient information to be able to admit or deny the allegations that the Plaintiff was unable to financially maintain insurance payments or the impact on her ability to earn a living. The remaining allegations of Paragraph 17 are denied as stated, and strict proof is demanded.
16. Paragraph 18 is admitted. The letter of resignation was voluntarily given and additional language was contained in the letter beyond the allegations in Paragraph 18.
17. Paragraph 19 is denied.
18. Paragraph 20 is denied.

- 19. Paragraph 21 is denied.
- 20. Any allegation not admitted above is hereby denied, and strict proof is demanded.
- 21. The allegations, if any, contained in the ad damnum are denied.

FIRST DEFENSE

- 22. The Plaintiff's claim is barred by the Statute of Limitations.

SECOND DEFENSE

- 23. The Plaintiff is not disabled under the applicable standard in the Americans with Disabilities Act.

THIRD DEFENSE

- 24. The Plaintiff was unable to fulfill Bona Fide Occupational Qualifications of her position with the Defendant.

FOURTH DEFENSE

- 25. The accommodations requested by Plaintiff as detailed in the Complaint were unreasonable and overly burdensome on the Defendant.

FIFTH DEFENSE

- 26. The Plaintiff voluntarily left employment with the Defendant.

Respectfully submitted,
KM Group, LLC
By counsel

McGEEHAN & ASSOCIATES, PLC

By: /s/ Peter J. Glazer, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the foregoing Answer was transmitted via first class mail and CM/ECF electronic transmission to counsel of record for Plaintiff Shelia Schall this _____ day of September 2010 at:
Annette Kay Rubin, Law Office of Annette Kay Rubin, 18 Liberty St, SW, Leesburg, VA 20175.

/s/ Peter J. Glazer, Esq.

Peter J. Glazer, Esq.